



2015 SESSION

ADDITIONAL DOCUMENTS

Business Page

[Signed by Chairman]

Roll Call

Standing Committee Reports

Tabled Bills

Fiscal Reports

Rolls Call Votes

Proxy Forms

Visitor Registrations

***Any other documents, which were submitted after the committee hearing has ended and/or was submitted late [within 48 hours], regarding information in the committee hearing.**

***Witness Statements that were not presented as exhibits.**

Montana Historical Society Archives

225 N. Roberts

Helena MT 59620-1201

2015 Legislative

E-Document Specialist Susie Hamilton

BUSINESS REPORT

**MONTANA HOUSE OF REPRESENTATIVES
64th LEGISLATURE - REGULAR SESSION**

HOUSE JUDICIARY COMMITTEE

Date: Thursday, February 19, 2015
Place: Capitol

Time: 8:00 AM
Room: 137

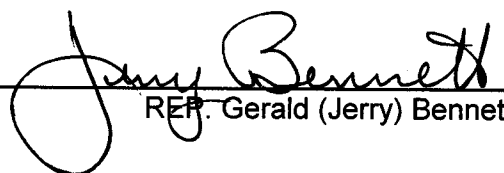
BILLS and RESOLUTIONS HEARD:

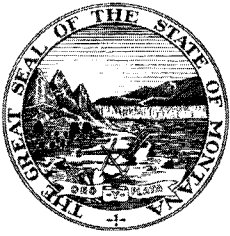
HB 443 - Generally revise privacy laws - Rep. Daniel Zolnikov
HB 444 - Generally revising laws related to electronic communications - Rep. Daniel Zolnikov
HB 445 - Requiring search warrant for gov access to electronic devices - Rep. Daniel Zolnikov
HB 490 - Providing restrictions for the use of long-term solitary confinement - Rep. Jennifer Eck
HB 516 - Revise petition for DNA testing laws - Rep. Margaret (Margie) MacDonald
HB 518 - Revise laws related to search warrants - Rep. Ron Ehli
HB 530 - Generally revise criminal law for restoring rights to possess firearms - Rep. Ellie Boldman Hill

EXECUTIVE ACTION TAKEN:

HB 320 - Do pass as amended
HB 410 - Do pass as amended
HB 457 - Do pass
HB 535 - Do pass

Comments:


Rep. Gerald (Jerry) Bennett, Chair



The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

JUDICIARY COMMITTEE

ROLL CALL

NAME	PRESENT	ABSENT/EXCUSED
REP. ALAN DOANE, VICE CHAIRMAN	X	
REP. VIRGINIA COURT, VICE CHAIR		X
REP. KATHY KELKER	X	
REP. SETH BERGLEE	X	
REP. RANDALL PINOCCI	X	
REP. CLAYTON FISCUS	X	
REP. JENNY ECK		X
REP. ZAC PERRY	X	
REP. MATTHEW MONFORTON	X	
REP. MARGIE MACDONALD		X
REP. ELLIE BOLDMAN HILL		X
REP. CAROLYN PEASE-LOPEZ		X
REP. SARAH LASZLOFFY	X	
REP. THERESA MANZELLA	X	
REP. NATE MCCONNELL	X	
REP. STEPHANIE HESS	X	
REP. G. BRUCE MEYERS	X	
REP. KIRK WAGONER	X	
REP. ANDREW PERSON	X	
REP. KEITH REGIER	X	
REP. JERRY BENNETT, CHAIRMAN	X	

21 MEMBERS



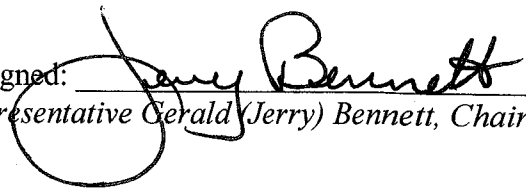
HOUSE STANDING COMMITTEE REPORT

February 19, 2015

Page 1 of 1

Mr. Speaker:

We, your committee on **Judiciary** recommend that **House Bill 320** (first reading copy -- white) **do pass as amended.**

Signed: 
Representative Gerald (Jerry) Bennett, Chair

And, that such amendments read:

1. Page 1, line 29.

Strike: "for a period of time set"

Following: "trustees"

Insert: "for a period of up to 1 year"

2. Page 3, line 10.

Strike: "9201"

Insert: "921"

3. Page 3, line 16.

Strike: "school as defined in 20-6-501"

Insert: "K-12 public school"

- END -

Committee Vote:

Yes 12, No 9

Fiscal Note Required ☐

HB0320001SC.hbb

OK
2/19/15
3pm



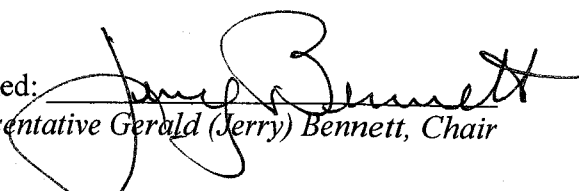
HOUSE STANDING COMMITTEE REPORT

February 19, 2015

Page 1 of 4

Mr. Speaker:

We, your committee on **Judiciary** recommend that **House Bill 410** (first reading copy -- white) do pass as amended.

Signed: 
Representative Gerald (Jerry) Bennett, Chair

And, that such amendments read:

1. Title, page 1, line 4.

Strike: "OLDER"

Insert: "INCAPACITATED"

2. Title, page 1, line 7.

Strike: "OLDER"

Insert: "INCAPACITATED"

3. Title, page 1, line 8.

Following: "DISABILITIES"

Insert: "; CREATING THE OFFENSE OF EXPLOITATION OF AN
INCAPACITATED PERSON OR DEVELOPMENTALLY DISABLED PERSON;
PROVIDING PENALTIES; AND AMENDING SECTION 52-3-825, MCA"

4. Page 1, line 12.

Strike: "older"

Insert: "incapacitated"

5. Page 1, line 15.

Strike: "older"

Insert: "incapacitated"

6. Page 1, line 18.

Strike: "52-3-825"

Insert: "[section 2]"

Committee Vote:

Yes 11, No 10

Fiscal Note Required ☐

HB0410001SC.hbb

OK
2/19/15
4:15

7. Page 1, line 19.

Strike: "older"

Insert: "incapacitated"

8. Page 1, line 20.

Strike: "52-3-825"

Insert: "[section 2]"

9. Page 1, line 23.

Strike: "older"

Insert: "incapacitated"

10. Page 3, line 5.

Strike: ""older person""

Insert: ""incapacitated person""

Strike: "52-3-803"

Insert: "72-5-101"

11. Page 3, line 6.

Following: line 6

"NEW SECTION. Section 2. Exploitation of incapacitated person or person with developmental disability. (1) A person commits the offense of exploitation of an incapacitated person or a person with a development disability if the person:

(a) purposely or knowingly obtains or uses or attempts to obtain or use an incapacitated person's or developmentally disabled person's funds, assets, or property with the intent to temporarily or permanently deprive the incapacitated person or developmentally disabled person of the use, benefit, or possession of funds, assets, or property or to benefit someone other than the incapacitated person or developmentally disabled person; and

(b)(i) stands in a position of trust or confidence with the incapacitated person or developmentally disabled person; or

(ii) has a business relationship with the incapacitated person or developmentally disabled person.

(2) A person commits the offense of exploitation of an incapacitated person or a person with a developmental disability if the person:

(a) purposely or knowingly obtains personal identifying information of another person and uses that information for any unlawful purpose, including to obtain or attempt to obtain credit, goods, services, financial information, or medical information in the name of the other person without the consent of the other person; and

(b)(i) stands in a position of trust or confidence with the incapacitated person or developmentally disabled person; or

(ii) has a business relationship with the incapacitated person or developmentally disabled person.

(3) A person convicted of the offense of exploitation of an

incapacitated person or a person with a developmental disability shall be fined an amount not to exceed \$10,000 or be imprisoned in a state prison for a term not to exceed 10 years, or both.

(4) As used in this section:

(a) "developmental disability" has the meaning provided in 53-20-102; and

(b) "incapacitated person" has the meaning provided in 72-5-101.

Insert: "Section 3. Section 52-3-825, MCA, is amended to read:

"52-3-825. Penalties. (1) A person who purposely or knowingly fails to make a report required by 52-3-811 or discloses or fails to disclose the contents of a case record or report in violation of 52-3-813 is guilty of an offense and upon conviction is punishable as provided in 46-18-212.

(2) (a) A person who purposely or knowingly abuses, sexually abuses, or neglects an older person or a person with a developmental disability is guilty of a felony and shall be imprisoned for a term not to exceed 10 years and be fined an amount not to exceed \$10,000, or both.

(b) (i) A person who negligently abuses an older person or a person with a developmental disability is guilty of a misdemeanor and upon a first conviction shall be fined an amount not to exceed \$1,000 or be imprisoned in the county jail for a term not to exceed 1 year, or both.

(ii) Upon a second or subsequent conviction of the conduct described in subsection (2)(b)(i), the person is guilty of a felony and shall be imprisoned for a term not to exceed 10 years and be fined an amount not to exceed \$10,000, or both.

(c) A person with a developmental disability may not be charged under subsection (2)(a) or (2)(b).

(3) (a) A person convicted of purposely or knowingly exploiting an older person ~~or a person with a developmental disability~~ in a case involving money, assets, or property in an amount of \$1,000 or less in value shall be fined an amount not more than \$1,000 or be imprisoned in the county jail for a term not to exceed 1 year, or both. A person convicted of purposely or knowingly exploiting an older person ~~or a person with a developmental disability~~ in a case involving money, assets, or property in an amount of more than \$1,000 but less than \$25,000 in value shall be fined an amount not more than \$50,000 or be imprisoned in a state prison for a term not to exceed 10 years, or both. A person convicted of purposely or knowingly exploiting an older person ~~or a person with a developmental disability~~ in a case involving money, assets, or property in an amount of \$25,000 or more in value shall be fined an amount not more than \$50,000 or be imprisoned in a state prison for a term of not less than 1 year and not more than 10 years, or both.

(b) For purposes of prosecution under subsection (3)(a) in a case involving the same transaction or in a case prosecuted pursuant to a common scheme, the amounts may be aggregated in determining the value involved."

"

Renumber: subsequent sections

12. Page 3, line 8.

Following: "instruction."

Insert: "(1)"

13. Page 3, line 9.

Following: line 9

Insert: "(2) [Section 2] is intended to be codified as an integral part of Title 45, chapter 6, part 3, and the provisions of Title 45, chapter 6, part 3, apply to [section 2].

- END -



HOUSE STANDING COMMITTEE REPORT

February 19, 2015

Page 1 of 1

Mr. Speaker:

We, your committee on Judiciary recommend that House Bill 535 (first reading copy -- white) do pass.

Signed:

Gerald (Jerry) Bennett
Representative Gerald (Jerry) Bennett, Chair

- END -

Committee Vote:

Yes 11, No 10

Fiscal Note Required X

HB0535002SC.hbb

OK
2/20/15
4:30



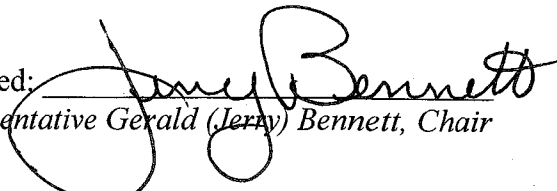
HOUSE STANDING COMMITTEE REPORT

February 19, 2015

Page 1 of 1

Mr. Speaker:

We, your committee on **Judiciary** recommend that **House Bill 457** (first reading copy -- white) **do pass.**

Signed: 
Representative Gerald (Jerry) Bennett, Chair

- END -

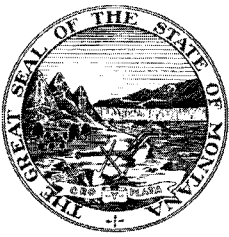
Committee Vote:

Yes 12, No 9

Fiscal Note Required X

HB0457001SC.hbb

OK
2/20/15
1:30



The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

JUDICIARY COMMITTEE

ROLL CALL VOTE

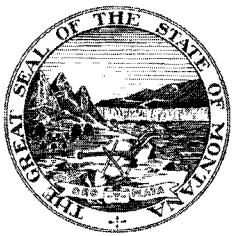
BILL NUMBER HB 320

DATE 2/19/15

MOTION Do Pass As Amended

NAME	AYE	NO	PROXY
REP. ALAN DOANE, VICE CHAIRMAN	X		
REP. VIRGINIA COURT, VICE CHAIR		X	
REP. KATHY KELKER		X	
REP. SETH BERGLEE	X		
REP. RANDALL PINOCCI	X		
REP. CLAYTON FISCUS	X		
REP. JENNY ECK		X	
REP. ZAC PERRY		X	
REP. MATTHEW MONFORTON	X		
REP. MARGIE MACDONALD		X	
REP. ELLIE BOLDMAN HILL		X	
REP. CAROLYN PEASE-LOPEZ		X	
REP. SARAH LASZLOFFY	X		
REP. THERESA MANZELLA	X		
REP. NATE MCCONNELL		X	
REP. STEPHANIE HESS	X		
REP. G. BRUCE MEYERS	X		X
REP. KIRK WAGONER	X		
REP. ANDREW PERSON		X	
REP. KEITH REGIER	X		
REP. JERRY BENNETT, CHAIRMAN	X		

21 MEMBERS



The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

JUDICIARY COMMITTEE

ROLL CALL VOTE

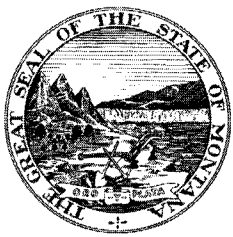
BILL NUMBER HB 410

DATE 2/19/15

MOTION Be Amended - HB041002.AHT

NAME	AYE	NO	PROXY
REP. ALAN DOANE, VICE CHAIRMAN	X		
REP. VIRGINIA COURT, VICE CHAIR		X	
REP. KATHY KELKER		X	
REP. SETH BERGLEE	X		
REP. RANDALL PINOCCI	X		
REP. CLAYTON FISCUS	X		
REP. JENNY ECK		X	
REP. ZAC PERRY		X	
REP. MATTHEW MONFORTON	X		
REP. MARGIE MACDONALD		X	
REP. ELLIE BOLDMAN HILL		X	
REP. CAROLYN PEASE-LOPEZ		X	
REP. SARAH LASZLOFFY	X		
REP. THERESA MANZELLA	X		
REP. NATE MCCONNELL		X	
REP. STEPHANIE HESS	X		
REP. G. BRUCE MEYERS	X		X
REP. KIRK WAGONER	X		
REP. ANDREW PERSON		X	
REP. KEITH REGIER	X		
REP. JERRY BENNETT, CHAIRMAN	X		

21 MEMBERS



The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

JUDICIARY COMMITTEE

ROLL CALL VOTE

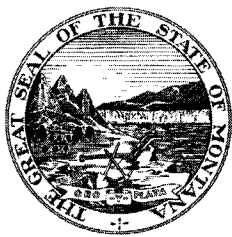
BILL NUMBER 410

DATE 2/19/15

MOTION Be Amended - HB041003.ah

NAME	AYE	NO	PROXY
REP. ALAN DOANE, VICE CHAIRMAN	X		
REP. VIRGINIA COURT, VICE CHAIR	X		
REP. KATHY KELKER	X		
REP. SETH BERGLEE	X		
REP. RANDALL PINOCCI	X		
REP. CLAYTON FISCUS	X		
REP. JENNY ECK	X		
REP. ZAC PERRY	X		
REP. MATTHEW MONFORTON	X		
REP. MARGIE MACDONALD	X		
REP. ELLIE BOLDMAN HILL	X		
REP. CAROLYN PEASE-LOPEZ	X		
REP. SARAH LASZLOFFY	X		
REP. THERESA MANZELLA	X		
REP. NATE MCCONNELL		X	
REP. STEPHANIE HESS		X	
REP. G. BRUCE MEYERS	X		X
REP. KIRK WAGONER	X		
REP. ANDREW PERSON		X	
REP. KEITH REGIER	X		
REP. JERRY BENNETT, CHAIRMAN	X		

21 MEMBERS



The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

JUDICIARY COMMITTEE

ROLL CALL VOTE

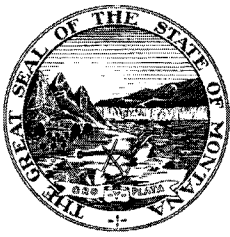
BILL NUMBER HB 410

DATE 2/19/15

MOTION Do Pass As Amended

NAME	AYE	NO	PROXY
REP. ALAN DOANE, VICE CHAIRMAN	X		
REP. VIRGINIA COURT, VICE CHAIR		X	
REP. KATHY KELKER	X		
REP. SETH BERGLEE	X		
REP. RANDALL PINOCCI	X		
REP. CLAYTON FISCUS	X		
REP. JENNY ECK		X	
REP. ZAC PERRY		X	
REP. MATTHEW MONFORTON	X		
REP. MARGIE MACDONALD		X	
REP. ELLIE BOLDMAN HILL		X	
REP. CAROLYN PEASE-LOPEZ		X	
REP. SARAH LASZLOFFY	X		
REP. THERESA MANZELLA	X		
REP. NATE MCCONNELL		X	
REP. STEPHANIE HESS		X	
REP. G. BRUCE MEYERS	X		X
REP. KIRK WAGONER	X		
REP. ANDREW PERSON		X	
REP. KEITH REGIER	X		
REP. JERRY BENNETT, CHAIRMAN		X	

21 MEMBERS



The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

JUDICIARY COMMITTEE

ROLL CALL VOTE

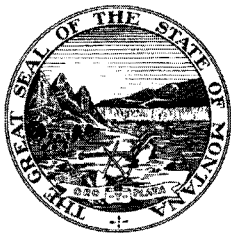
BILL NUMBER HB 457

DATE 2/19/15

MOTION Do Pass

NAME	AYE	NO	PROXY
REP. ALAN DOANE, VICE CHAIRMAN	X		
REP. VIRGINIA COURT, VICE CHAIR		X	
REP. KATHY KELKER		X	
REP. SETH BERGLEE	X		
REP. RANDALL PINOCCI	X		
REP. CLAYTON FISCUS	X		
REP. JENNY ECK		X	
REP. ZAC PERRY		X	
REP. MATTHEW MONFORTON	X		
REP. MARGIE MACDONALD		X	
REP. ELLIE BOLDMAN HILL		X	
REP. CAROLYN PEASE-LOPEZ		X	
REP. SARAH LASZLOFFY	X		
REP. THERESA MANZELLA	X		
REP. NATE MCCONNELL		X	
REP. STEPHANIE HESS	X		
REP. G. BRUCE MEYERS	X		X
REP. KIRK WAGONER	X		
REP. ANDREW PERSON		X	
REP. KEITH REGIER	X		X
REP. JERRY BENNETT, CHAIRMAN	X		

21 MEMBERS



The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

JUDICIARY COMMITTEE

ROLL CALL VOTE

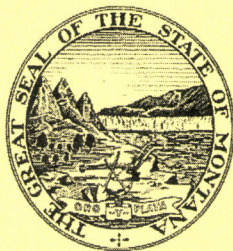
BILL NUMBER HB 535

DATE 2/19/15

MOTION DO PASS

NAME	AYE	NO	PROXY
REP. ALAN DOANE, VICE CHAIRMAN	X		
REP. VIRGINIA COURT, VICE CHAIR		X	
REP. KATHY KELKER		X	
REP. SETH BERGLEE	X		
REP. RANDALL PINOCCI	X		
REP. CLAYTON FISCUS	X		
REP. JENNY ECK		X	
REP. ZAC PERRY		X	
REP. MATTHEW MONFORTON	X		
REP. MARGIE MACDONALD		X	
REP. ELLIE BOLDMAN HILL		X	
REP. CAROLYN PEASE-LOPEZ		X	
REP. SARAH LASZLOFFY	X		
REP. THERESA MANZELLA	X		
REP. NATE MCCONNELL		X	
REP. STEPHANIE HESS	X		
REP. G. BRUCE MEYERS	X		X
REP. KIRK WAGONER	X		
REP. ANDREW PERSON		X	
REP. KEITH REGIER	X		X
REP. JERRY BENNETT, CHAIRMAN		X	

21 MEMBERS



The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

AUTHORIZED COMMITTEE PROXY

I request to be excused from the House Judiciary

Committee because of other commitments. I desire to leave my proxy vote with:

Alan Doane

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT	AYE	NO	BILL/AMENDMENT	AYE	NO
HB 320	✓				
HB 032001.AS	✓				
HB 410	✓				
HB 041002.AH	✓				
HB 041003.AH	✓				
HB 457 -	✓				
HB 535 -	✓				

Rep.

(Signature)

SG Thayer

Date

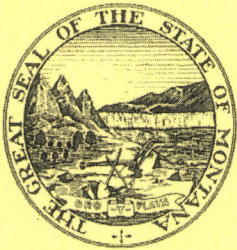
2-19-15

1890

1891

1892
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1899

1900



The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

AUTHORIZED COMMITTEE PROXY

I request to be excused from the House Judiciary
Committee because of other commitments. I desire to leave my proxy vote with:

Alan Doane

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT	AYE	NO	BILL/AMENDMENT	AYE	NO
1+B 457	✓				
1+B 535	✓				

Rep. Keith Regier
(Signature)

Date 2-19-15

12-11-11

12-11-11

12-11-11

12-11-11

MONTANA House of Representatives
Visitors Register
HOUSE JUDICIARY COMMITTEE

Thursday, February 19, 2015

HB 516 - Revise petition for DNA testing laws

Sponsor: Rep. Margaret (Margie) MacDonald

PLEASE PRINT

[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA House of Representatives
Visitors Register
HOUSE JUDICIARY COMMITTEE

Thursday, February 19, 2015

HB 518 - Revise laws related to search warrants

Sponsor: Rep. Ron Ehli

PLEASE PRINT

[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA House of Representatives
Visitors Register
HOUSE JUDICIARY COMMITTEE

Thursday, February 19, 2015

HB 490 - Providing restrictions for the use of long-term solitary confinement

Sponsor: **Rep. Jennifer Eck**

PLEASE PRINT

[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA House of Representatives
Visitors Register
HOUSE JUDICIARY COMMITTEE

Thursday, February 19, 2015

HB 445 - Requiring search warrant for gov access to electronic devices

Sponsor: **Rep. Daniel Zolnikov**

PLEASE PRINT

[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA House of Representatives
Visitors Register
HOUSE JUDICIARY COMMITTEE

Thursday, February 19, 2015

HB 444 - Generally revising laws related to electronic communications

Sponsor: Rep. Daniel Zolnikov

PLEASE PRINT

[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA House of Representatives
Visitors Register
HOUSE JUDICIARY COMMITTEE

Thursday, February 19, 2015

HB 443 - Generally revise privacy laws

Sponsor: **Rep. Daniel Zolnikov**

PLEASE PRINT

[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA House of Representatives
Visitors Register
HOUSE JUDICIARY COMMITTEE

Thursday, February 19, 2015

HB 443 - Generally revise privacy laws

Sponsor: Rep. Daniel Zolnikov

PLEASE PRINT

[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA House of Representatives
Visitors Register
HOUSE JUDICIARY COMMITTEE

Thursday, February 19, 2015

HB 530 - Generally revise criminal law for restoring rights to possess firearms

Sponsor: **Rep. Ellie Boldman Hill**

PLEASE PRINT

[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.